



1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

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3 NOTICE IS HEREBY GIVEN that, on February 9, 2015, or as soon thereafter  
4 as this matter may be heard, in Courtroom 5D of the above-captioned Court for the  
5 Southern District of California, located at 221 West Broadway, San Diego, California  
6 92101, Defendant Saks & Company ("Saks") will and hereby does move for summary  
7 judgment on Plaintiff Ilia Derum's First Amended Complaint for Violation of  
8 California Labor Code § 226 and for Penalties under the California Private Attorneys  
9 General Act, California Labor Code § 2699 *et seq.*

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11 This Motion will be made pursuant to Federal Rule of Civil Procedure 56 on the  
12 ground that Saks is entitled to summary judgment as a matter of law because there is  
13 no genuine issue of material fact as to Plaintiff's allegations that Saks violated  
14 California Labor Code § 226 or that Plaintiff is entitled to recover damages or  
15 penalties under California Labor Code § 226, and there is no genuine issue of material  
16 fact as to Plaintiff's allegation that she is entitled to recover penalties under the  
17 California Private Attorneys General Act, California Labor Code § 2699 *et seq.*

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19 Saks's Motion is based upon this Notice of Motion and Motion, the  
20 Memorandum of Points and Authorities in Support of Thereof, the Statement of  
21 Undisputed Material Facts, the Request for Judicial Notice, the Declaration of Francis  
22 S. Lam in Support of Saks's Motion for Summary Judgment and Request for Judicial  
23 Notice, the Declaration of Teresa Lowry in Support of Saks's Motion for Summary  
24 Judgment, the Declaration of Maria Rodriguez in Support of Saks's Motion for  
25 Summary Judgment, the Joint Stipulation of Facts, all of which are being filed  
26 concurrently herewith, along with the exhibits thereto, all pleadings and papers filed in  
27 this action, all such matters of which the Court may take judicial notice, and such  
28 additional evidence and authority as may be offered at the time of oral argument, if

1 any.

2  
3 Dated: December 19, 2014

Sidley Austin LLP  
By /s/ Francis Lam  
Jennifer B. Zargarof, SBN 204382  
jzargarof@sidley.com  
Francis S. Lam, SBN 279076  
flam@sidley.com  
Attorneys for Defendant  
SAKS & COMPANY

**STATEMENT OF RELIEF SOUGHT**

Pursuant to Fed. R. Civ. P. 56, Defendant Saks & Company hereby moves the Court for summary judgment on Plaintiff Ilia Derum's First Amended Complaint:

(1) First Cause of Action, alleging Violation of Labor Code § 226.

(2) Second Cause of Action, seeking penalties under Labor Code § 2699 *et seq.*, the California Private Attorneys General Act.

Dated: December 19, 2014

SIDLEY AUSTIN LLP

By: /s/ Francis Lam  
Jennifer B. Zargarof, SBN 204382  
jzargarof@sidley.com  
Francis S. Lam, SBN 279076  
flam@sidley.com  
Attorneys for Defendant  
SAKS & COMPANY